

## **DOB ISSUES MONTHLY ENFORCEMENT BULLETIN**

### ***Report Highlights DOB Enforcement Outcomes from October 2021 to Deter Bad Actors and Keep New Yorkers Safe***

**New York, NY** – Today, the New York City Department of Buildings released its enforcement bulletin for October 2021, which provides highlights of the agency's actions to sanction and deter bad actors in the construction industry through the enforcement of safety laws and codes of conduct for construction professionals. Today's bulletin includes summaries of DOB-imposed disciplinary actions, including penalties and license suspensions and revocations.

The actions below represent a portion of DOB's overall work to enforce the City's building codes and safety laws, in addition to the thousands of inspections conducted and violations issued by the agency each month for illegal building and construction conditions.

DOB took a number of major enforcement actions in October, including:

- 29 violations and \$335,000 in penalties issued for failure to safeguard construction sites on 27 separate occasions.
- 21 violations and \$462,750 in penalties, including daily penalties, issued for illegal building alterations at four locations.
- 10 violations and \$92,200 in penalties, including daily penalties, issued for illegal transient use at five location.
- 12 violations and \$120,000 in penalties issued to 12 different individuals for failure to carry out duties of construction superintendents.

Below are individual enforcement highlights for October 2021:

### **Brooklyn**

- \$105,000 in total penalties issued to 2188 Tang Realty Corp. for altering a legal 2-family home located at 1364 65<sup>th</sup> Street, Brooklyn into a five Single Room Occupancy (SRO) units without a permit. DOB inspectors found that each SRO unit had a key-operated lock, key, and separate tenants each paying \$550 a month to occupy the units.
- \$22,500 in total penalties issued to General Contractor Busko Realty Corp. for failure to safeguard at a construction site at 312 3<sup>rd</sup> Avenue, Brooklyn. DOB

inspectors found that overhead protections were not in place for pedestrians nor the adjacent building. Additionally, no guardrails were installed around the staircases and holes at the site, no barricades were in place for heavy equipment stored adjacent to the walkway, and no records indicating that safety orientations or pre-shift meetings for the workers were being held.

- \$13,125 in total penalties issued to General Contractor Dynamic Development And C for failure to properly maintain a scaffold at a construction site at 2811 Farragut Road, Brooklyn. DOB inspectors found that that the vertical netting on the scaffold was loose, egress routes at the site were blocked, and the Tenant Protection Plan for the construction site was not posted at the location as required.
- \$10,000 in penalties issued to Lefferts Garden LLC, the owners of 78 Lefferts Avenue, Brooklyn, for failure to provide adequate safety measures in the rear of the building where the chimney was cracked and missing bricks.
- \$6,250 in penalties issued to Northeastern Conference C for tampering with a Stop Work Order notice at 92 Utica Avenue, Brooklyn, after a DOB inspection determined that a Stop Work Notice had been improperly removed from the location.

## **Bronx**

- \$64,000 in total penalties issued to 1163 Holding Ltd., owner of 1163 Stratford Avenue, Bronx, for illegally adding four Single Room Occupancy (SRO) units in the basement of a 5-story apartment building without work permits and with sufficient firestopping material in the basement.
- \$12,500 in penalties issued to Tracking Number Holder Euro Castle Construction for failing to institute safety measures at a construction site at 890 Caldwell Avenue, Bronx, after two workers fell at the site. DOB inspectors found that workers were on a supported scaffold, replacing bricks at the 3<sup>rd</sup> story parapet when a plank slipped, causing the two workers to fall 20 feet onto the sidewalk shed below.
- \$12,500 in total penalties issued to M 18 East 199 Street, the property owners of 18 East 199<sup>th</sup> Street, Bronx, for failure to maintain the building walls and appurtenances. DOB inspectors found deteriorating lintels and windowsills during their inspection, as well as cracks from the ground to the roof of the six-story building.
- \$10,000 in penalties issued to Global Management LLC for failure to safeguard a construction site at 1285 Edward L. Grant Highway, Bronx. DOB inspectors found that workers were performing brick work at the new 8-story building using a supported scaffold with inadequate guardrails and toe boards.

## Manhattan

- \$50,000 in penalties issued to Safety Registrant DMD Contracting NY LLC for failure to safeguard a construction site and failure to implement adequate safety measures at a construction site at 749 FDR Drive, Manhattan. While a crane at the site was lifting steel to the roof of a 14-story building, the slings broke off and the steel fell 14 stories causing the closure of FDR drive.
- \$16,250 in total penalties issued to 522 E 11th LLC for failure to maintain the exterior wall of their building at 522 East 11<sup>th</sup> Street, Manhattan, and for failure to install safety measures to protect the public from documented unsafe conditions.
- \$16,250 in total penalties issued to 66 St. Nicholas Place LLC, the owners of 66 St. Nicholas Place, Manhattan, for illegal occupancy, installing laundry with gas dryers in the cellar without a permit, and using a gas plumbing system that was not properly tested. Additional violations were also issued for a non-code compliant sprinkler system, and for illegal flex hoses used on the gas dryers.
- \$15,000 in total penalties issued to Safety Registrant Madison 30 31 Owner LLC for failure to safeguard a construction site at 15 East 30<sup>th</sup> Street, Manhattan. DOB inspectors found that on the 53<sup>rd</sup> floor of the building, there were large openings on the floor with no overhead protection measures for the workers in the floor below. Additionally, DOB inspectors found that cocoon system at the site was being removed without the means and method plans available at the time of inspection, egress paths at the site was blocked on multiple floors, pins were missing on the supported scaffold, stairwell lights had unsafe wiring, and there was a gap between stairs and a work landing that was not included on the approved plans for the project.
- \$10,000 in penalties issued to Safety Registrant Turner Construction Company for failure to implement safety measures at a construction site at 509 West 34<sup>th</sup> Street, Manhattan. While responding to investigate reports that a piece of metal roofing fell onto the school yard adjacent to the construction site, DOB inspectors found similar metal roofing pieces lying around.

## Queens

- \$12,500 in total penalties issued to Tracking Number Holder Elite Illusion Construction for failure to notify DOB of earthwork and excavation work ongoing at 1128 Beach 9<sup>th</sup> Street, Queens. DOB inspectors found that the excavation area was exposed and near an unsupported and active gas line. Additionally, the inspection found that there was no egress on the safety plan, required documents were not made available to DOB inspectors at the time of the inspection, and the work site was missing guard rails.

- \$12,500 in total penalties issued to Construction Superintendent Ziad Ekwaneen for failure to maintain the required work log at a construction site at 80-15 18th Street, Queens. He was also issued a violation for failure to be present and perform his required duties as a Construction Superintendent at a second work site located at 132-11 Bennet Court, Queens.
- \$12,500 in total penalties issued to General Contractor GIM Construction Inc. for failure to have a competent person responsible for site safety present at a construction site at 80-79 Tryon Place, Queens. DOB inspectors also found that the supported scaffold in place at the work site was not properly installed.
- The owners of 321 Bert Road, Queens, were cited for illegally utilizing the premises as a dead and junk storage of motor vehicles and boats. Prior to a hearing scheduled with OATH, a stipulation was entered into with the respondent's representative giving the owner and occupant until January 20, 2022 to discontinue the illegal uses. DOB will continue to monitor the location for compliance.



- The owners of 105-39 134th Street, Queens, were cited for illegally utilizing the premises as a contractor's yard. Prior to a hearing scheduled with OATH, the owner and occupant submitted evidence that the illegal use was discontinued so the hearing was withdrawn. DOB will continue to monitor the location for compliance.



- The owners of 140-26 30th Drive, Queens, were cited for illegally utilizing the premises as a motorcycle repairs and sales. Subsequent to the issuance of a warning letter, the owner and occupant submitted evidence that the illegal use was discontinued. DOB will continue to monitor the location for compliance.



## Staten Island

- The owners of 205 Granite Avenue, Staten Island, were cited for illegally utilizing the premises as a contractor's yard and for junk storage. A hearing was conducted with OATH, resulting in a favorable Report & Recommendation and the posting of an Order of Closure at the premises. Subsequent to the posting, the illegal use was discontinued. DOB will continue to monitor the location for compliance.



## Construction and Design Professionals

- Following an audit of seven professionally certified applications submitted by Professional Engineer Kenny Mak, the Department found major non-compliance issues, including filing an Alteration Type 2 application despite proposing changes in use and/or occupancy, which require an Alteration Type 1 application for a new or amended Certificate of Occupancy; failure to provide an automatic sprinkler system; failure to provide adequate light, air and ventilation; increasing the degree of Zoning nonconformance in an existing non-complying building; failure to provide adequate means of egress; failure to provide adequate accessibility for persons with disabilities; and various other violations of Code and rules. Based on these findings, DOB offered a voluntary surrender of Mr. Mak's Professional Certification and Directive 14 privileges which he signed, and which took effect on October 22, 2021.
- Following an audit of six professionally certified applications submitted by Registered Architect Paul Giammona, the Department found major non-compliance issues, including filing an Alteration Type 2 application despite proposing changes in use and/or occupancy, which require an Alteration Type 1 application for a new or amended Certificate of Occupancy; failure to provide adequate means of egress; proposing a Physical Culture Establishment without obtaining BSA approval; failure to provide adequate fire rated materials; failure to provide adequate accessibility for persons with physical disabilities; and various other violations of Code and rules. Based on these findings, DOB offered a voluntary surrender of Mr. Giammona's Professional Certification and Directive 14 privileges which he signed, and which took effect on October 27, 2021.
- Construction Superintendent Meng Hua Wang agreed entered into a stipulation with DOB to not renew his Construction Superintendent and General Contractor licenses due to his accrual of a high number of OATH summonses. The respondent's General Contractor registration has since expired, and their

Construction Superintendent license will be on probation until it expires on January 21, 2022.